

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF MARYLAND
3 MELVIN NEWSOME, et al. * CIVIL ACTION S01-2257
4 Plaintiffs *
5 vs. Baltimore, Maryland
6 *
7 UP-TO-DATE LAUNDRY, INC, * March 13, 2003
8 et al. *
9 Defendants * * *
10 * * * * *
11 Deposition of HERBERT DATCHER, a witness of
12 lawful age, taken on behalf of the Defendants in the
13 above-entitled cause, pending in the District Court of
14 the United States for the District of Maryland, before
15 Dawn L. Venker, a Notary Public in and for Baltimore
16 County, Maryland, at 7 St. Paul Street, 15th Floor,
17 Baltimore, Maryland 21201, on 13th day of March, 2003.
18 * * * * *
19 APPEARANCES:
20 BETTY GRDINA, Esquire
21 PHILIP SIMON, Esquire
 For the Plaintiffs
 JEANNE M. PHELAN, Esquire
 For the Defendants
ALSO PRESENT: BRAD MINETREE
Reported By: Dawn L. Venker
HERBERT DATCHER,

TOWSON REPORTING COMPANY
(410) 828-4148

1 Q Did he ever come back?

2 A I never seen the guy. I never seen him no
3 more.

4 Q Were there any other situations where you
5 heard Brad use racial terms?

6 A I've seen Brad and heard Brad cuss people
7 out and call them niggers, mother fuckers and things
8 like that.

9 Q Tell me about a specific incidence.

10 A I can't say a specific incidence at these
11 specific times, you know, when Brad said these things.
12 Brad was hot tempered, you know. If things weren't
13 going right for him, he would take it out on other
14 people.

15 Q Did you ever see him take it out on a
16 Hispanic employee?

17 A No.

18 Q Did you ever see him take it out on a white
19 employee?

20 A No.

21 Q Were there any Hispanic or white employees

1 the plant that had a good rapport with Brad?

2 A Supervisors.

3 Q Who among the supervisors?

4 A All of them.

5 Q You indicated that -- in your answer to
6 interrogatories that you heard Brad tell the workers in
7 the soil room, "You mother-fucking niggers, you are
8 working too damn slow. I should fire the lot of you."

9 A Yes, he did.

10 Q Do you remember that?

11 A Yes, I do.

12 Q When did that happen?

13 A That happened when we were up on De Soto
14 Road, I believe it was. The order came in. Everybody
15 was like tired. Brad came in. I don't know what he
16 was pissed off about, but he had a bad disposition
17 about -- started cursing and stuff. Saying all kinds
18 of names and crazy shit, and everybody else did what
19 they always did when Brad started talking, like, crazy
20 shit. Just ignored his ass.

21 Q Where were you working at that time?

1 A At that time I was working in the soil room
2 too. I ignored Brad like everybody else did. Let him
3 just blow over. Say what he got to say. After he
4 gone, we continued to work. While he was there
5 bellowing and saying what he said, I stopped and
6 listened.

7 Q You indicated that you heard Brad accuse
8 Kimberly Gray, who is -- I assume, that is your wife,
9 right?

10 A Yes.

11 Q Of giving blow jobs in the back of the
12 plant?

13 A Yes, I pulled Brad up about that. And I
14 discussed it with Brad.

15 Q Tell me what happened.

16 A I discussed it with Brad and I let it go.

17 Q No. No. I want to know what happened.

18 Did you hear --

19 A I discussed it with Brad and I let it go.

20 Q Mr. Datcher, please listen to the question
21 and answer the question. The question is what did

1 A Spear chucker. Step fletchered. Said
2 nigger couple of times. Did you see "that boy" do this
3 and that. Other than that, from those few times before
4 him and his brother started arguing with each other and
5 having their differences before -- before Dave was
6 excluded away from the plant, I didn't hear anything
7 else from him.

8 Q I didn't understand what you meant by that.

9 A By excluding him away from the plant?

10 Q You mean when he was excluded from the
11 plant you didn't hear anything from him?

12 A No, you only heard from Dave when he was on
13 the plant. It became a time when -- if Dave was there,
14 Brad would wait till -- wait till Dave left, or if Brad
15 was there, Dave would wait until Brad left. They
16 didn't confront each other. They couldn't stand each
17 other.

18 Q What did you observe that led you to
19 believe that they couldn't stand each other?

20 A Brad called the police on Dave for
21 threatening him and his mother with a gun.

1 Q The question was did Dave use any of those
2 terms directed toward you?

3 A Sometimes, yes. Sometimes, no.

4 Q Tell me about the circumstances where he
5 used them directly towards you.

6 A Sometimes he would like come in and say,
7 "What's up, nigger?" Who is nigger? You know. You
8 know my man. My man. My man. Like that. I'm like,
9 go ahead Dave. I just wouldn't pay him no mind after
10 that because, I mean, you know, I had a job to do, and
11 even though these -- these things were being said, I
12 knew I had a family to support. I just let it breeze
13 on by.

14 Q Are there any other circumstances where you
15 can recall where he used any racial terms towards you?

16 A No, I can't. No, I can't.

17 Q Did you ever use the term nigger?

18 A No.

19 Q Never ever in your life?

20 A No. I don't use it.

21 Q Did anyone else you worked with at

1 discriminated against because of your race other than
2 at Up-To-Date?

3 A No.

4 Q See, we didn't get a chance to talk about
5 Nancy. Did you ever hear Nancy use racial terms?

6 A Yes.

7 Q Tell me what you heard Nancy say.

8 A We were working -- I was working on the
9 dry -- dry linens part of the company where the girls
10 separate the gowns and baby clothes and stuff. And
11 Nancy said that the Hispanic workers work better than
12 we do. Better work, hours and everything. I stopped
13 and I asked her, I said, "Oh, Ms. Nancy, how can you
14 say that? We all put in the same amount of work all
15 the time. How can you say one person is lazy and
16 another person isn't lazy?" That's how I stated it.
17 Then after that, Brad pulled me up and said that I had
18 better not ever talk to his mother again or I wouldn't
19 have a fucking job. That's when I didn't say anything
20 else to Ms. Nancy because I still wanted my fucking
21 job.

1 Q When was that?

2 A This was in '99.

3 Q Do you recall how long she was on bed rest?

4 A Huh?

5 Q Do you recall how long she was on bed rest?

6 A The whole time she was pregnant.

7 Q The whole nine months?

8 A Yes, the whole nine months.

9 Q When was your baby born?

10 A January 2000.

11 Q You indicated in the answer to

12 interrogatories that you knew that David Minetree had a

13 handgun?

14 A Yes.

15 Q At work?

16 A Uh-huh.

17 Q Tell me how you knew that.

18 A Everyone knew that Dave had a handgun.

19 Q How did everyone know that?

20 A Because Dave said that he had a handgun,

21 and everyone knew that Dave was not a liar.

1 Q Did Dave tell you he had a handgun?

2 A Of course.

3 Q Do you remember the circumstances?

4 A He was saying how he had a handgun and how
5 he had rifles and stuff. How he went hunting.

6 Q Did Mr. Minetree -- did Dave ever threaten
7 you with a gun?

8 A No. Only person he ever threatened was his
9 brother.

10 Q How do you know that?

11 A Because they argued all the time. They
12 didn't really get along. That's why they -- Brad had
13 Dave excluded from the property. He couldn't come on
14 the property while Brad was on the property.

15 Q Let's focus on the question.

16 A You asked me the question.

17 Q The question is how you know that Dave
18 Minetree threatened Brad Minetree with the gun?

19 A Because Brad said so.

20 Q You didn't see it?

21 A I didn't see it. He said so. So I